

Regular Session, 2011

ACT No. 223

HOUSE BILL NO. 141

BY REPRESENTATIVES STIAES, ROSALIND JONES, AND PATRICIA SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 14:89.2(B)(2) and (C) and R.S. 15:541(24)(a), relative to crime
3 against nature; to amend criminal penalties for crime against nature by solicitation;
4 to provide with respect to the list of offenses for which an offender shall comply with
5 sex offender registration and notification requirements; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:89.2(B)(2) and (C) are hereby amended and reenacted to read as
9 follows:

10 §89.2. Crime against nature by solicitation

11 * * *

12 B.

13 * * *

14 (2) Whoever violates the provisions of this Section, on a second or
15 subsequent conviction thereof, shall be fined not less than two hundred fifty dollars
16 and not more than two thousand dollars, ~~or~~ imprisoned, with or without hard labor,
17 for not more than ~~five~~ two years, or both.

18 * * *

19 C. A violation of the provisions of ~~Paragraphs (B)(2) and (3)~~ Paragraph
20 (B)(3) of this Section shall be considered a sex offense as defined in R.S. 15:541 and
21 the offender shall be required to register as a sex offender as provided for in Chapter
22 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

Section 2. R.S. 15:541(24)(a) is hereby amended and reenacted to read as follows:

§541. Definitions

For the purposes of this Chapter, the definitions of terms in this Section shall apply:

* * *

(24)(a) "Sex offense" means deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit human trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2) or (3), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:78 (incest), R.S. 14:78.1 (aggravated incest), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S.14:81.1 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator and student), R.S. 14:92(A)(7) (contributing to the delinquency of juveniles), R.S. 14:93.5 (sexual battery of the infirm), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42 (aggravated rape), R.S. 14:42.1 (forcible rape), R.S. 14:43 (simple rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2 (second degree sexual battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5 (intentional exposure to AIDS virus), or a second or subsequent conviction of R.S. 14:283.1 (voyeurism), committed on or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992. A conviction for any offense provided in this definition includes a conviction for the offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to an offense provided for in this Chapter, unless the tribal court or foreign conviction was not obtained with sufficient safeguards for fundamental fairness and due process for the accused as

4 Section 3. The provisions of this Act shall only apply to those persons convicted on
5 or after August 15, 2011.

GOVERNOR OF THE STATE OF LOUISIANA

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